

16.01.2023.
44.
as
(Allowed)

C.R.M. (DB) 151 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Nakashipara P. S. Case No.779 of 2022 dated 06.10.2022 under Sections 498A/406/302/34 of the Indian Penal Code.

In the matter of : Mafijul Shaikh @ Mofijul.

.... Petitioner.

Mr. Prabir Majumder,
Mr. S. Majumder.

...for the Petitioner.

Mr. Saswata Gopal Mukherji, Id. P.P.,
Mr. Partha Pratim Das,
Mrs. Manasi Roy.

...for the State.

Petitioner is in custody for 101 days. Investigation is complete. Incident occurred eight years after marriage. He prays for bail.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record. Incident occurred eight years after marriage. Statutory presumptions under Sections 113A/113B of the Evidence Act are not attracted in the facts of the case.

Under such circumstances and in view of the period of detention suffered by the petitioner and as investigation is complete, we are inclined to grant bail to the petitioner.

Accordingly, the petitioner viz., Mafijul Shaikh @ Mofijul shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of

whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Nadia at Krishnagar subject to condition that he shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event the petitioner fails to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel his bail in accordance with law without further reference to this Court.

The application for bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)